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Jun 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-In-Equity

Appellate Case No. 2022-001165

Michael D. Royal, Appellant,

v.

Free Kindergarten Association of Charleston, Respondent,

The Attorney General of the State of South Carolina, and
The Charleston County School District, Intervenors/Respondents.

**APPELLANT’S FIRST MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF
AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD**

Appellant Michael D. Royal (“Appellant”), by and through his undersigned counsel, respectfully moves this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time by which Appellant must file his reply brief(s) and Designation(s) of Matter to be Included in the Record on Appeal by thirty-five (35) days, such that these filings would be due on July 27, 2023. The grounds for this motion are as follows:

1. Appellant filed and served his initial brief in this matter on December 2, 2022. Thereafter, in accordance with the Court’s February 28, 2023 Order, Appellant filed and served his amended initial brief on March 10, 2023 and served a copy of the same on even date on Respondent Free Kindergarten Association of Charleston (“FKAC”), Intervenor/Respondent The

Attorney General of the State of South Carolina (“AG”), and Intervenor/Respondent The Charleston County School District (“CCSD”) (collectively, “Respondents”).

2. Thereafter, each of the Respondents obtained two extensions of their initial brief deadlines. The AG filed his brief on June 9, 2023, serving copies on Appellant and CCSD on even date, and on FKAC on June 13, 2023, after his deadline for the same. CCSD filed and served its initial brief on June 12, 2023. FKAC filed and served its joinder in the AG’s initial brief on June 12, 2023.

3. On the afternoon of June 12, 2023, prior to CCSD filing its initial brief, Appellant’s counsel spoke via telephone with Jacklyn Orr in the South Carolina Court of Appeals’ office regarding matters relating to Appellant’s reply brief(s). Therein, Appellant’s counsel was advised that the reply brief deadline is calculated based on the last date of service of Respondents’ respective briefs.

4. Thus, Appellant’s current deadline to file his reply brief(s) and Designation(s) of Matter therewith under Rules 208(a) and 209(a), SCACR, is June 22, 2023.

5. Appellant seeks a 35-day extension of his current deadline pursuant to Rule 263(b), SCACR, to allow his counsel adequate time to prepare his reply brief(s).

6. This is Appellant’s first request for an extension of time within which to file his reply brief(s) and associated Designation(s) of Matter. This request is supported by good cause and is not made in an effort to unnecessarily delay these proceedings, but rather is a request necessitated by Appellant’s counsel’s workload and previously scheduled professional commitments.

7. Accordingly, Appellant respectfully requests that this Court enter an Order extending the deadline by which Appellant must file his reply brief(s) and Designation(s) of Matter

by thirty-five (35) days, such that the proposed new deadline would be July 27, 2023. Granting this motion would promote the interests of justice as well as preserve Court resources.

8. This Motion is supported by the grounds set forth herein and the South Carolina Appellate Court Rules.

9. Appellant further requests that this appeal be held in abeyance should this motion remain pending on the current date his reply brief(s) and Designation(s) of Matter are due.

Respectfully submitted,

s/Evan P. Williams

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COUNSEL FOR APPELLANT

MICHAEL D. ROYAL

June 13, 2023

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PROOF OF SERVICE

I certify that I have served Appellant's First Motion for Extension of Time to File Reply Brief and Designation of Matter to be Included in the Record on the above-named Respondent and Intervenors/Respondents via email to their respective counsel of record, on June 13, 2023, containing the above-referenced document as an attachment in .pdf, sent to the addresses shown below.

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*Court-Appointed Receiver for Respondent Free
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Respectfully submitted,

s/Evan P. Williams

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Counsel for Appellant Michael D. Royal

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June 13, 2023

VIA E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

**Re: *Michael D. Royal v. Free Kindergarten Association of Charleston, et al.*
Appellate Case No. 2022-001165**


Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellant Michael D. Royal (“Appellant”), Appellant’s First Motion for Extension of Time to File Reply Brief and Designation of Matter to be Included in the Record, as well as the Proof of Service of the same.

By copy of its counsel of record on the filing transmittal e-mail, Respondent and Intervenor/Respondents in this case are served with Appellant’s First Motion for Extension of Time to File Reply Brief and Designation of Matter to be Included in the Record.

A check for the filing fee of \$50.00 is being mailed to the Court under separate cover.

Yours Sincerely,



Evan P. Williams

Enclosures

cc (via e-mail only): A. Bright Ariail, Esq.
Warren W. Ariail, Esq.
Mary Frances G. Jowers, Esq.
Kristin M. Simons, Esq.
Patrick F. Stringer, Esq.
Joseph Kevin Qualey, Esq.
William Z. Smith, Esq.